

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	MOTION TO DETERMINE
	)	PRESENT MENTAL CONDITION
	)	OF IMPRISONED PERSON
BENJAMIN ALLEN,	)	
Reg. No. 64148-007,	)	
	)	
Respondent.	)	

The United States of America, at the request of the Warden of the Federal Medical Center, Butner, North Carolina ("FMC Butner") and by and through the United States Attorney for the Eastern District of North Carolina, hereby moves this Honorable Court for a hearing pursuant to 18 U.S.C. § 4245, to determine the present mental condition of the respondent.

In support of this motion, the United States submits that respondent is currently serving a nine-year term of imprisonment, imposed by the Superior Court for the District of Columbia, for assault with a dangerous weapon of a senior citizen. Respondent has a projected release date of July 6, 2023. As indicated in the Case Summary, which will be submitted to the Court separately and under seal, respondent's treatment providers believe he is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. However, the respondent has refused the recommended psychiatric

treatment.

In the interim, absent a Court order prohibiting such care, qualified mental health staff will administer that care necessary to alleviate any foreseeable danger to life or serious injury either to the respondent or by the respondent to others.

WHEREFORE, the United States hereby moves this Court for a hearing pursuant to 18 U.S.C. § 4245, and for an order committing the respondent to the custody of the Attorney General for care or treatment in a suitable facility until he is no longer in need of such custody for care or treatment or until the expiration of his sentence of imprisonment, whichever occurs first.

Respectfully submitted, this 3rd day of March, 2017.

JOHN STUART BRUCE  
United States Attorney

By: /s/ Robert J. Dodson  
ROBERT J. DODSON  
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CERTIFICATE OF SERVICE

This is to certify that I have this 3rd day of March, 2017, served a copy of the foregoing upon the respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to hand-deliver the envelope to the respondent:

Benjamin Allen  
Register Number 64148-007  
Mental Health Unit  
FMC Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Federal Public Defender's Office  
150 Fayetteville Street  
Suite 450  
Raleigh, NC 27601

/s/ Robert J. Dodson  
ROBERT J. DODSON  
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